

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

JOSHUA MURRAY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

NATIONAL ASSOCIATION OF
REALTORS,

Defendant.

Case No. 4:22-cv-11107-FKB-DRG

Honorable F. Kay Behm
U.S. District Judge

STIPULATED ORDER TO STAY ACTION PENDING MEDIATION

Plaintiff Joshua Murray (“Plaintiff”), and Defendant National Association of Realtors (“NAR,” together with Plaintiff, the “Parties”) state as follows:

WHEREAS, Plaintiff filed the operative Second Amended Complaint on January 20, 2023 (ECF No. 30);

WHEREAS, NAR filed an Answer and Affirmative Defenses to Plaintiff’s Second Amended Complaint on December 13, 2023 (ECF No. 40);

WHEREAS, a Video Rule 16 Scheduling Conference is scheduled for February 15, 2024 at 2:00 p.m. before Judge F. Kay Behm (ECF No. 41);

WHEREAS, the Parties’ joint discovery plan must be submitted to the Court on or before February 8, 2024 (ECF No. 41);

WHEREAS, the Parties have conferred and wish to pursue resolution of this

action through private mediation with The Honorable James F. Holderman (Ret.), formerly the Chief Judge of the United States District Court for the Northern District of Illinois and now a mediator with JAMS;

WHEREAS, the Parties have scheduled a mediation with Judge Holderman for March 14, 2024,¹ the first mutually-available date;

WHEREAS, the Parties believe that judicial economy and the interests of the Parties would be served by a stay of this action while the Parties engage in mediation, including a stay of the upcoming Rule 16 Scheduling Conference and the Parties' obligation to submit a Joint Discovery Plan;

WHEREAS, pursuant to Judge F. Kay Behm's practice guidelines, the Parties will notify Chambers in writing via email by the next business day if this action has been resolved; and

THEREFORE, the Parties, by and through their counsel, stipulate to an Order staying this action pending mediation, including the February 15, 2024 Rule 16 Scheduling Conference and the Parties' obligation to file a Joint Discovery Plan by February 8, 2024.

¹ The parties may need to briefly adjourn the mediation due to a recently-discovered scheduling conflict; if that occurs, the parties will immediately notify the court of the new mediation date.

Dated: February 7, 2024

By: /s/ E. Powell Miller

E. Powell Miller (P39487)

epm@millerlawpc.com

THE MILLER LAW FIRM, P.C.

950 W. University Drive, Suite 300

Rochester, MI 48307

Tel: 248.841.2200

Joseph I. Marchese (P85862)

jmarchese@bursor.com

Philip L. Fraietta (P85228)

pfraietta@bursor.com

BURSOR & FISHER, P.A.

1330 Avenue of the Americas, 32nd Floor

New York, New York 10019

Tel: 646.837.7150

Frank S. Hedin

fhedin@hedinllp.com

Arun G. Ravindran

aravindran@hedinllp.com

HEDIN LLP

1395 Brickell Avenue, Suite 1140

Miami, Florida 33131

Tel: 305.357.2107

Attorney for Plaintiff Joshua Murray

Dated: February 7, 2024

By: /s/ Tiana Demas w/consent

Tiana Demas

Philip M. Bowman

COOLEY LLP

55 Hudson Yards
New York, NY 10001
(212) 479-6000
tdemas@cooley.com

Khary J. Anderson
COOLEY LLP
1299 Pennsylvania Avenue, NW Suite 700
Washington, DC 20004
(202) 842-7800
kjanderson@cooley.com

Suzanne L. Wahl (P71364)
Elise H. Yu (P79344)
ARENTFOX SCHIFF LLP
350 S. Main Street Suite
210 Ann Arbor, MI 48104
(734) 222-1517
suzanne.wahl@afslaw.com
elise.yu@afslaw.com

Attorneys for Defendant National
Association of REALTORS®

ORDER

Based on the Parties' stipulation and good cause shown, it is hereby ORDERED that the above-captioned matter is stayed, and the Rule 16 Scheduling Conference currently scheduled for February 15, 2024 and the February 8, 2024 deadline to submit a Joint Discovery Plan are continued until further order of Court.

IT IS SO ORDERED.

Dated: February 9, 2024

s/F. Kay Behm
F. Kay Behm
United States District Judge